

Introduced by Senator Aanestad

February 22, 2007

An act to amend Section 1363.05 of the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

SB 528, as introduced, Aanestad. Common interest developments: open meetings.

Existing law requires that a common interest development be managed by an association. The Common Interest Development Open Meeting Act provides that any member of the governing association of a common interest development may attend meetings of the board of directors of the association, except as specified. The act also requires that notice of the time and place of a meeting be given to members at least 4 days prior to the meeting, except as specified.

This bill would prohibit the board of directors from considering any subject matter at a meeting unless the subject matter was placed on the agenda when the meeting was announced. The bill would also make technical changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1363.05 of the Civil Code is amended
- 2 to read:
- 3 1363.05. (a) This section shall be known and may be cited as
- 4 the Common Interest Development Open Meeting Act.

(b) Any member of the association may attend meetings of the board of directors of the association, except when the board adjourns to executive session to consider litigation, matters relating to the formation of contracts with third parties, member discipline, personnel matters, or to meet with a member, upon the member's request, regarding the member's payment of assessments, as specified in Section 1367 or 1367.1. The board of directors of the association shall meet in executive session, if requested by a member who may be subject to a fine, penalty, or other form of discipline, and the member shall be entitled to attend the executive session.

(c) Any matter discussed in executive session shall be generally noted in the minutes of the immediately following meeting that is open to the entire membership.

(d) The minutes, minutes proposed for adoption that are marked to indicate draft status, or a summary of the minutes, of any meeting of the board of directors of an association, other than an executive session, shall be available to members within 30 days of the meeting. The minutes, proposed minutes, or summary minutes shall be distributed to any member of the association upon request and upon reimbursement of the association's costs for making that distribution.

(e) Members of the association shall be notified in writing at the time that the pro forma budget required in Section 1365 is distributed, or at the time of any general mailing to the entire membership of the association, of their right to have copies of the minutes of meetings of the board of directors, and how and where those minutes may be obtained.

~~(f) As used in this section, "meeting" includes any congregation of a majority of the members of the board at the same time and place to hear, discuss, or deliberate upon any item of business scheduled to be heard by the board, except those matters that may be discussed in executive session.~~

~~(g)~~

(f) Unless the time and place of meeting is fixed by the bylaws, or unless the bylaws provide for a longer period of notice, members shall be given notice of the time and place of a meeting as defined in subdivision ~~(f)~~ (j), except for an emergency meeting, at least four days prior to the meeting. Notice shall be given by posting the notice in a prominent place or places within the common area

1 and by mail to any owner who had requested notification of board
2 meetings by mail, at the address requested by the owner. Notice
3 may also be given, by mail or delivery of the notice to each unit
4 in the development or by newsletter or similar means of
5 communication.

6 ~~(h)~~

7 (g) An emergency meeting of the board may be called by the
8 president of the association, or by any two members of the
9 governing body other than the president, if there are circumstances
10 that could not have been reasonably foreseen which require
11 immediate attention and possible action by the board, and which
12 of necessity make it impracticable to provide notice as required
13 by this section.

14 ~~(i)~~

15 (h) The board of directors of the association shall permit any
16 member of the association to speak at any meeting of the
17 association or the board of directors, except for meetings of the
18 board held in executive session. A reasonable time limit for all
19 members of the association to speak to the board of directors or
20 before a meeting of the association shall be established by the
21 board of directors.

22 ~~(j)~~

23 (i) *The board of directors of the association may not consider*
24 *any subject matter at a meeting unless the subject matter was*
25 *placed on the agenda when the meeting was announced.*

26 (j) *As used in this section, "meeting" includes any congregation*
27 *of a majority of the members of the board at the same time and*
28 *place to hear, discuss, or deliberate upon any item of business*
29 *scheduled to be heard by the board, except those matters that may*
30 *be discussed in executive session.*